



DEPARTMENT OF THE ARMY
HEADQUARTERS, 25TH INFANTRY DIVISION AND U.S. ARMY HAWAII
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SCHOFIELD BARRACKS, HAWAII 96857-6000

19 AUG 2019

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MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: U.S. Army Hawaii Policy Letter #35 - Sex Offender Registration and Residency

1. References.

- a. 34 U.S. Code § 20901 et seq., Sex offender registration and notification (2017).
- b. 18 U.S. Code § 1382, Entering military, naval, or Coast Guard property (2010).
- c. Department of Defense (DoD) Instruction 5200.08, Security of DoD Installations and Resources and the DoD Physical Security Review Board (PSRB), 10 Dec 05 (Change 3, 20 Nov 15).
- d. Army Regulation (AR) 27-10, Military Justice, 3 Oct 11.
- e. AR 420-1, Army Facilities Management, 12 Feb 08 (RAR 24 Aug 12).

2. Purpose. To establish registration requirements and impose residence and employment restrictions on sex offenders. Sex offenders must comply with applicable federal and state registration requirements. Additionally, all persons must comply with applicable laws prohibiting harboring, concealing, or withholding information about sex offenders.

3. Applicability. This policy applies to all Soldiers, Civilians, Family Members, and other personnel who work on, reside on, or visit U.S. Army Hawaii (USARHAW) installations. This policy is punitive. Any violation of the policy may result in adverse administrative action, punishment under the Uniform Code of Military Justice (UCMJ), or criminal prosecution in a state or federal court.

4. Responsibilities.

a. Commanders and Directors.

- (1) Provide a written statement to or brief all personnel about this policy.
- (2) Identify personnel affected by this policy.

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(3) Report personnel affected by this policy to the designated official in the Directorate of Emergency Services (DES).

(4) Ensure compliance with this policy.

b. Director of Emergency Services.

(1) Maintain a database of registration information on all persons required to register.

(2) Provide capacity to photograph, fingerprint, and palm print registered sex offenders.

(3) Monitor and ensure compliance with this policy to include investigating reports of violation of this policy.

(4) Receive and process requests for exceptions to this policy.

(5) Coordinate all registration packets immediately with Debarment Office (DES) to ensure Garrison Commander is notified and considers a possible debarment action, as deemed appropriate.

c. Staff Judge Advocate.

(1) Provide legal advice addressing matters related to this policy.

(2) Update this policy when required by changes in applicable law or when otherwise necessary.

d. Directorate of Family, Morale, Welfare, and Recreation. Disapprove any application for privileges as a Family Child Care (FCC) provider if the dwelling of the applicant is within 1,000 feet of a place of employment of a sex offender.

e. Directorate of Public Works and Island Palm Communities (IPC).

(1) Incorporate this policy in housing procedures.

(2) Provide notice of this policy to all individuals who reside on a USARHAW installation.

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(3) Provide notice of this policy to all individuals who submit applications to live in housing on any USARHAW installation. All lease agreements should reference this policy.

f. Civilian Personnel Advisory Center. Provide a copy of this policy to all new employees as part of in-processing.

5. Registration Requirements.

a. Sex offenders who will reside on or work on any USARHAW installation must register with DES on or before the date that they begin to reside or work on the USARHAW installation.

b. All persons required to register with DES will provide the following information to that office:

(1) Name, aliases, social security number (SSN), age, race, sex, date of birth, height, weight, hair color, and eye color;

(2) Fingerprints, palm prints, and photograph;

(3) Internet and social media identifiers and addresses, email addresses, usernames, and passwords;

(4) Address of any permanent residence and any temporary residence and telephone numbers (fixed and mobile);

(5) Date and place of employment on the installation, and name, address, and telephone number of employer (this includes full-time and part-time employees, contractors, employees of contractors, and volunteers);

(6) Vehicle make, model, color, and license plate number;

(7) Name of higher education facility and list of classes if enrolled in an educational facility or taking any classes on the installation;

(8) Name of the crime or crimes for which the offender is registering/registered, date of release from prison or placement on probation, parole, or supervised release; and;

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(9) Identity of the jurisdiction (state or federal government) requiring the offender to register.

c. If any of the above information provided changes, the sex offender will submit updated information to DES within 72 hours of the change.

d. If the sex offender obtains a court order removing the registration requirement, the sex offender will provide a certified copy of the court order to DES.

6. Residence. No sex offender may reside in privatized housing on any USARHAW installation.

7. Sex Offender Defined. For purposes of this policy, a sex offender is any person who is required by any state, territory of the United States, and/or the United States to register as a sex offender.

8. Exceptions.

a. Affected individuals currently residing on post may request an exception to this policy from the Garrison Commander within two (2) weeks of this policy's effective date (date of signature). Sex offenders desiring to move into privatized housing after the effective date must have an approved exception to policy. Requests for exceptions must be mailed or hand delivered (if residing on post as of this policy's effective date) to the DES Community Compliance Office (CCO) at the following address:

Community Compliance Office, Directorate of Emergency Services
Room 302, Building 107, 745 Wright Avenue
Wheeler Army Airfield, Schofield Barracks, Hawaii 96857-5000

b. Any requests for exceptions submitted by facsimile, by electronic means, or by any means other than mail will not be reviewed. The Garrison Commander has complete discretion to grant an exception to this policy for good cause shown by an affected person. Each request for an exception will be reviewed by the Garrison Commander on a case by case basis and will be decided under the circumstances of each case.

c. No decision of the Garrison Commander will be considered as binding precedent upon any future case. The decision of the Garrison Commander to grant or not to grant an exception is final and not subject to any appeal.

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7. This memorandum supersedes USARHAW Policy Letter #18, dated 4 Aug 16 and remains in effect until superseded or rescinded in writing.

8. The point of contact for this memorandum is the Deputy Director of Emergency Services, at (808) 656-6454.



RONALD P. CLARK
Major General, USA
Commanding

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